

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Brian Walsh,

Plaintiff,

v.

National Grid USA Service Company, Inc.;
and DOES 1-10, inclusive,

Defendants.

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Civil Action No.: 1:15-cv-12679

COMPLAINT

For this Complaint, Plaintiff, Brian Walsh, by undersigned counsel, states as

follows:

JURISDICTION

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Brian Walsh ("Plaintiff"), is an adult individual residing in Carver, Massachusetts, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant National Grid USA Service Company, Inc. ("National Grid"), is a New York business entity with an address of One Metrotech Center, 16th floor, Brooklyn, New York, 11201, and is a "person" as defined by 47 U.S.C. § 153(39).

FACTS

5. In or around the month of June, 2014, National Grid contacted Plaintiff on his cellular phone, number 508-xxx-7621, in an attempt to reach an individual unknown to Plaintiff.

6. During all times mentioned herein, National Grid placed calls to Plaintiff's cellular telephone by using an artificial or prerecorded voice.

7. When Plaintiff answered the calls, he would hear a prerecorded message which stated "This is National Grid. This call is for Maria Martinez."

8. Plaintiff never provided his cellular phone number to National Grid, and never gave National Grid express permission to place calls to his cellular phone.

9. During several conversations with a live representative, Plaintiff stated that he was not the person National Grid was looking for. At the end of each conversation Plaintiff requested that the calls to his cellular phone cease.

10. After every conversation, the calls would continue despite Plaintiff's instruction for them to cease.

11. Without Plaintiff's consent, National Grid placed over fifty calls to Plaintiff's cellular phone. The repeated calls caused Plaintiff significant inconvenience.

COUNT I
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, et seq.

12. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. At all times mentioned herein and within the last four years, Defendants called Plaintiff on his cellular telephone using a prerecorded or artificial voice.

14. Plaintiff never provided his cellular telephone number to Defendants and never provided his consent to be contacted on his cellular telephone.

15. Without prior consent Defendants contacted the Plaintiff by means of prerecorded messages at a cellular telephone in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

16. Defendants continued to place prerecorded voice calls to Plaintiff's cellular telephone after being advised multiple times it had the wrong number and knowing there was no consent to continue the calls. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

17. The calls from Defendants to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

18. Defendants' telephone system has the capacity to store numbers in a random and sequential manner.

19. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call made in negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

20. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants:

1. Statutory damages pursuant to 47 U.S.C. § 227(b)(3)(B) & (C);
2. Punitive damages; and
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: June 22, 2015

Respectfully submitted,

By /s/ Sergei Lemberg

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